

ZB# 00-22

**Bila Family Partnership /
Burger King**

65-2-12

Prelim.
May 22, 2000.
Add: variance for
menu board (here)
Notes to Seniors 6/2/02

Public Hearing -
June 26, 2000
Granted -
(see index)

Refunded
\$ 300.00

#00-22-Bila Partners/Burger King
Sigs 65-2-12.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Bila Family Partners/Burger King

FILE# 00-22

RESIDENTIAL: \$50.00

INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X Signs

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

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ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 5/22/00-9 \$ 40.50

2ND PRELIMINARY- PER PAGE 6/26/00-15 \$ 67.50

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 108.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 5/22/00 \$ 35.00

2ND PRELIM. 6/26/00 \$ 35.00

3RD PRELIM. \$

PUBLIC HEARING. \$

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 178.00

LESS ESCROW DEPOSIT \$ 500.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT .. \$ 322.00

*Paid # 2467
6/5/00
Paid # 2468
6/5/00*

JAMES G. SWEENEY, P.C.
ATTORNEY AT LAW
1 HARRIMAN SQUARE
GOSHEN, NY 10924


2467

DATE June 5, 2000 ⁵⁰⁻⁵⁸⁴219-31

THE Town of New Windsor
OF

\$ 150.00

Hundred Fifty and xx/100-----

DOLLARS  Security Features
Followed
Details on Back



307 Main Street • Goshen, NY 10924
ila-sign variance *26A #00-22*

⑈002467⑈ ⑆021905841⑆ 0715 002173⑈

JAMES G. SWEENEY, P.C.
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1 HARRIMAN SQUARE
GOSHEN, NY 10924


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307 Main Street • Goshen, NY 10924
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In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

BILA FAMILY PARTNERSHIP/BURGER KING

AREA VARIANCES

#00-22

WHEREAS, BILA FAMILY PARTNERSHIP, 158 North Main Street, Florida, New York 10921, owner, and **BURGER KING**, tenant, have made application before the Zoning Board of Appeals for: Façade sign: 1.5 ft. height variance and 8.33 ft. sign width; 4 additional façade signs; Freestanding sign: 5 ft. sign height, 138 sq. ft area and 1 additional freestanding sign; plus 4 electrically-illuminated directional signs in variation of Section 48-18 of the Supplemental Sign Regulations for property located on Route 32 at the Big V Town Centre, Route 32, in a C zone; and

WHEREAS, a public hearing was held on the 26th day of June, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by James G. Sweeney, Esq. and Ozzie Beichert of Timely Signs of Kingston, Inc.; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located on a busy State Highway consisting of a shopping center.

(b) The sign variances sought are in connection with the relocation of a freestanding

business at the shopping center. The business in question is a Burger King store.

(c) The nature of the Burger King facility is that it has not only a sit-down restaurant but a "drive-in" window so that four signs are necessary to direct traffic and advertise the existence of the facilities than would be the case in a more usually encountered retail facility.

(d) The variances sought for the freestanding signs are in order to relocate the existing freestanding sign to the new location approximately at the center of the mall.

(e) The freestanding sign will be the same sign that is presently existing, identical in size. The only change in the sign will be a change in the logo on the sign but it will not affect the size of the sign that will be the same as the one that presently exists.

(f) The previous freestanding sign will be abandoned and, if the ZBA grants the variance, the Applicant will only be entitled to one freestanding sign for this store.

(g) The Applicant seeks a variance for four electrically-illuminated directional signs. These signs are proposed to be internally lit with a steady, non-flashing light.

(h) The directional signs are to be identical to the directional signs which are now in use for the present facility and the Applicant's intention is to relocate them to the new facility.

(i) The Applicant has placed directional signs on the site plan that were previously approved by the Planning Board.

(j) The directional signs are the minimum amount that the Applicant feels are necessary in order to direct traffic.

(k) Applicant seeks a variance to place four façade signs on the building.

(l) The building will be a freestanding building and the object is to make it visible and noticeable from every direction since customers are likely to come from every direction.

(m) After discussion with the Board the Applicant reduced its request to two façade signs and two small logos on the other two sides of the building. Only one façade sign is permitted.

(n) Applicant also seek two logo signs on either side of the "chimney".

(o) Each of these proposed signs would be circular and approximately three feet in diameter.

(p) Lastly, Applicant requests a sign commonly known as a "Menu Board".

- (q) This sign would be located as part of the drive-in facility. It will be relocated from the existing store and it will be of the same size and configuration with only a change in the logo that will not change the size and configuration of the sign.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances as previously stated are reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.
8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for Façade Signs: Two front and rear façade signs; 1.5 ft. height variance and 8.33 ft. sign width; Freestanding Signs: 5 ft. sign height, 138 sq. ft. area and 1 additional freestanding sign; plus four electrically illuminated directional signs, plus a menu board in variation of Section 48-18 of the Supplemental Sign Regulations for a Burger King Restaurant located at Big V Town Centre on Route 32 in a C zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New

Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 11, 2000.


Chairman

Date July 24, 2000

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO James G. Sweep, P.C. DR.
1 Harriman Square, Mahan, N.Y. 10924

DATE	CLAIMED	ALLOWED
07/24/00	Refund of CSOW Deposit # 00-22	\$322.00
<p>Approved: Patricia A. Corsetti 3BA</p>		

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 563-4611

**RECEIPT
#423-2000**

06/05/2000

Sweeney, James G.

Received \$ 150.00 for Zoning Board Fees, on 06/05/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Dorothy H. Hansen
Town Clerk**

Bila - Sign Variance # 00-22

Date 7/18/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
New Windsor NY 12550

DATE			CLAIMED	ALLOWED
6/30/00		Zoning Board Mtg		75 00
		Misc - 2		
		Red/Guardian - 3		
		Lesio - 1		
		Young - 3		
		Choet Days Inn - 2		
		Czepiel - 3		
		Kelly - 4		
		Lahey - 2		
		Bila - 15 @ 67.50		
		Don Marciano - 6		207 00
		Reynolds - 6 = 46		
				282 00

PUBLIC HEARINGS:

BILA FAMILY PARTNERSHIP/BURGER KING

James G. Sweeney, Esq. appeared before the board for this proposal.

MR. NUGENT: Request for sign variance on new construction at Big V Town Centre: Facade: 1.5 ft. height variance and 8.33 ft. sign width; 4 additional facade signs; freestanding: 5 ft. sign height, 138 sq. ft. area and 1 additional freestanding sign; plus 4 electrically illuminated directional signs in variation of Section 48-18 of the Supplemental Sign Regulations on Route 32 in a C zone. Is there anyone here for the Bila Family Partnership/Burger King other than the applicant? Let the record show there's no one here.

MR. SWEENEY: For the record, my name is Jim Sweeney, I have with me Ozzie Belchert from Timely Signs, as you know from the last time we were here, we decided to really discount the series of sign variances that you granted to the Bila Family Partnership back in September of 1998, kind of start from the beginning at least insofar as the Burger King facility is concerned and now you can see the Burger King store out there, how it's been pivoted and what we're really looking for is a series of four variances, I will try and make them as simple as possible. The first one is easy, it's the freestanding pylon sign which is simply relocating it from its existing position to somewhere near the new store, I don't know exactly where, but it's not a new pylon sign, it's a relocation of an existing pylon sign.

MR. BELCHERT: It was marked on the site drawings at the--

MR. KRIEGER: You're moving the Burger King over so you want to move the Burger King sign with it.

MR. BELCHERT: It would help.

MR. SWEENEY: The second series of variances deals with the facade, the four sides of the building and we're

looking for four facade signs, one on each side of the building and the variance would be required, would be a sign first in size, it would be 18.3 feet wide or long where your code calls for ten and your code allows one rather than four, so we'd be looking for the maximum of four on each side at the width or length of 18.3 feet. The next sign variance we're looking for is for a logo sign on the building itself that's allowed at 2 1/2 feet, we want one 4 X 4.

MR. BELCHERT: Yes.

MR. SWEENEY: Logo sign and the last variance we're looking for are about 3 1/2 foot high directional signs pointing signs bring you in and around the drive-thru and I think there are five.

MR. BELCHERT: Yes and I think they currently exist over there.

MR. SWEENEY: They are not new, they are relocations so there you are and the certain I'm sure from what I heard last time is a number of facade signs that are involved and they have a freestanding pad in the middle of your shopping center and you're trying to capture attention and market from all sides. So it's not the usual facade sign where you have maybe two at most or one in a shopping center situation, it's in the center of the shopping center looking for as I said commercial traffic from all sides. Logo sign, what can I say, it's something like internally lit directional signs are there and they really help and they are a safety factor, they get people around and are traffic directional more than they are advertising.

MR. NUGENT: I think because I actually have 1, 2, 3, 4, 5 disapprovals that we should address one at a time and that way, we can get through them with everybody not being totally confused. First one that I have on top is the electrically illuminated directional signs not permitted, only non-electric, non-illuminated directional or instructional signs are permitted, we're looking for four of them. I take it that they are going to be internally lit?

MR. BELCHERT: They are internally illuminated and they are at the places where you come into the, the problem, this thing is in the middle of a parking lot and you want to delineate where people should come in so to eliminate any confusion as to when they are coming into the shopping plaza, where to come in and out, ingress egress, they basically enter exit with a very small logo, they are very small, they are.

MR. TORLEY: But you could just as a question, you could have the same affect of directing the traffic where to come in and out with one or two of those signs and little shrubs.

MR. BELCHERT: No, no, because the way the perimeter is set up, you have to come into the parking lot and you have to go into the, the way they have it set up, you have to direct people through the drive-thru and that's very important and that's why we have these things set up the way they are, you can't, if you don't put a sign that says this way, they could come in from the other way and do you have a site plan there?

MR. NUGENT: No, we don't.

MR. SWEENEY: Didn't we leave you with a site plan last time?

MR. BELCHERT: Site plan was submitted and the directional signs were in there, suffice it to say that we put the minimum amount of site signs in to make it very easy for people to get in and out of the drive-thru, which is very important, there's parking, there's enter-exit parking and then you've got to get through the driveway and it's extremely important.

MR. TORLEY: You've got your Burger King box and you're asking for four directional signs, where are the four signs going to sit on each corner?

MR. BELCHERT: Do you have the site plan we submitted?

MR. NUGENT: No, it's not there.

MR. BELCHERT: These are the signs that we're talking

about, the little guys here and we submitted a site plan that showed where each one of these goes.

MR. SWEENEY: I don't know where it is. It definitely was in the package but it's not here now.

MR. BELCHERT: The way they are in the existing Burger King that's over there, we're removing four of them and I don't know where five came from, we have four here.

MR. SWEENEY: Four.

MR. BELCHERT: They're moving the four that are down there now, just moving them to the new restaurant and putting them in but instead of having the old square type Burger King, they're just this is a new logo.

MR. TORLEY: What's the size of the sign?

MR. BELCHERT: They're 19 inches by 38, they exist already. What they do is they direct people in and out of the drive-ins and the parking area, they exist now, we're just taking the four that are there in that box and moving them over to this one.

MR. KANE: I don't think four directional signs for the way that Burger King is going is too many, personally, I'd like to really look at the facade signs, the directional for the safety, the way the building's in the parking lot, makes sense.

MR. TORLEY: There's open space there.

MR. BELCHERT: We need them to direct them in and out, they exist now so we're just moving those.

MR. NUGENT: You want to take each one individually and work on it?

MR. KANE: I think that's the way, freestanding which is fine, directionals are fine.

MR. NUGENT: Directional signs we're looking at.

MR. TORLEY: I move we grant the requested variance for

four directional signs.

MR. KANE: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. NUGENT: Next one is freestanding sign, only one freestanding sign for any non-residential business site is permitted, proposed sign 15 foot maximum height and 64 square foot.

MR. SWEENEY: That's the pylon sign that's there, they're just moving it.

MR. REIS: How does that compare?

MR. BELCHERT: Same sign, the only thing we're doing they have that new round logo, I don't know if--

MR. KANE: Same square footage?

MR. BELCHERT: It's the exact same sign box, moving it over, putting it there, when they do the new logo, I don't know if they're doing it right now, cause I don't have them in, but it will be a new logo eventually but it's the same box, same pole.

MR. KANE: This includes the menu sign that's existing below that?

MR. BELCHERT: Just moving it 250 feet.

MR. TORLEY: That sign did obtain variances in the past?

MR. KANE: Right, since we're moving it, we have to do it.

MR. TORLEY: We're explicitly abandoning all previous

variances.

MR. KRIEGER: On that sign, yeah.

MR. TORLEY: Cause--

MR. KANE: It's a different site, doesn't make any difference.

MR. KRIEGER: Well, no, it does make a difference, Mr. Torley's point is well taken because otherwise, then they'd have, if you granted a variance, then they have, they would have a variance for two signs, so if they're going to abandon the old one--

MR. KANE: Put it in the record.

MR. BELCHERT: Our intention is to simply move it 200.

MR. KRIEGER: Just one sign?

MR. BELCHERT: Right, just move that one over to where the new store is.

MR. REIS: On the application, says freestanding five foot sign height 138 square foot area and one additional freestanding sign.

MR. SWEENEY: That's how Mr. Babcock has interpreted it, he's lumping it in with the other two pylon signs for the shopping center that are there, back in September, '98, you granted a variance for three pylon signs, he's looking at this as completely separate and new and it becomes a third pylon sign in his mind so he is saying you're only allowed one, so I don't know how to handle it.

MR. TORLEY: As long as we're explicitly abandoning the previous.

MR. BELCHERT: Yes, exactly, but there are rules, there are two signs there now and this is the third one exactly, the intention is to move the pylon that's there over to the new store, period, end of story.

MR. REIS: Can we change the description here to identify and to say what we're doing here cause I don't read it like that.

MR. NUGENT: In your motion, you should say that old sign will be abandoned.

MR. TORLEY: If we're doing that, do you still feel you need the height?

MR. BELCHERT: Yes.

MR. TORLEY: You're going to be closer to the road.

MR. BELCHERT: Closer to the road by maybe 8 feet, it's only moving that much closer.

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: Move that we grant a variance for a single freestanding sign five foot sign height 138 square foot area for Bila Family Partnerships/Burger King, one sign.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. NUGENT: Next one is facade sign, one facade sign permitted, two foot five feet by ten and the proposed five facade signs, two foot by 33 inches.

MR. REIS: Proposed how many?

MR. SWEENEY: It's really I don't know how five got in, its one on each side.

MR. NUGENT: Not five?

MR. BELCHERT: Right, one on each side of the building, this is the Burger King design, this is what they say you should have.

MR. TORLEY: Well, if you're permitted one and you're asking for three more on the same building, that seems excessive, you have a big pylon sign that says Burger King and you want logo signs and four logo signs?

MR. BELCHERT: This is what Burger King tells us is marketable, this is the way they market their stores, they have four, this is a design that came from Burger King.

MR. TORLEY: Well, Burger King doesn't write our laws.

MR. NUGENT: Those lengths can't be reduced at all?

MR. BELCHERT: Unfortunately, Burger King makes one set of channel letters for their stores, that's it, we have choices on pylon signs, we can go bigger than we have, that is, as a matter of fact, the pylon sign is the smallest one, they go up to 16 x 16, they, the ones, the channel letters that they have, there's one option, that's it, it's, I mean, that's the only one that they manufacture, it's one.

MR. NUGENT: These are individual letters, not a fixed sign?

MR. BELCHERT: They are individual letters, but it really is a fixed sign, it's, what they have is a piece of angle iron going across and each one is an individual letter, but it's fastened to the sign, it's a standard of Burger King in and McDonald's, everybody has the same thing and they fasten on the roof and that's it.

MR. TORLEY: Now, in addition to those you're also asking for logo signs?

MR. SWEENEY: One logo sign.

MR. TORLEY: I thought you wanted logos on all four signs, too?

MR. BELCHERT: Well, no, the logo, yeah, these are the wall signs or the facade signs and then this one, this design comes and it says we're going to put this on the front wall only.

MR. TORLEY: Can I lay out a personal opinion on this? These signs are, the requested number of signs are kind of excessive as a compromise as a starting point, I would be two facade signs, just two and they can put one of these 3 x 3 logo signs on the other walls.

MR. SWEENEY: How about three?

MR. TORLEY: How about one?

MR. NUGENT: What's this, let's make a deal?

MR. KANE: With the big stanchion that's out there and the other ones, I can understand having the big sign on the back of the building makes no sense, I know the traffic is coming from the mall, but people driving up and down the highway now it's there and you have it on the side and front.

MR. BELCHERT: Would you believe that the most important sign to them is the one that faces the mall?

MR. KANE: Well then they're going to lose the front one, they're going to lose one.

MR. TORLEY: Well, they wanted four and I was willing to go down to two, you want one. You're going to allow them three of the facade signs. My suggestion would be and it's only my suggestion, one on the front, one on the back and the two side walls, put the 3 x 3 foot logos.

MR. BELCHERT: The back one, the theory with these people are that they want to attract the people from the mall and tell them that, one's not visible from the road, so, okay, if that's what you want that one's not visible from the road, let them have it towards the

mall, have the one in the front facade, that's two, that's it, that and the pylon.

MR. LANE: And the disks on the side walls.

MR. BELCHERT: It's a three foot diameter.

MR. KANE: I don't have a problem with that at all, I think that fits in.

MR. BELCHERT: In other words, what they're thinking just a trace more out from the mall and what they are saying when people are in the mall shopping, they want them to see that from the back and so but that's not visible from the road, so it's not really effecting traffic out on the road or whatever so, you know, that's what they seem to feel is important.

MR. SWEENEY: Quit while you're ahead, modify the request to two facade signs front and back and logo three foot signs on the side.

MR. NUGENT: On the top, they're asking for another one on the front.

MR. KANE: These here on the side, correct.

MR. SWEENEY: I think so.

MR. BELCHERT: Yes.

MR. KANE: Disks on the side.

MR. TORLEY: And logo signs on the front but you want a disk on the front?

MR. BELCHERT: This is the one.

MR. NUGENT: On the chimney there.

MR. BELCHERT: This is one unit front, one unit back.

MR. KANE: This on either side.

MR. NUGENT: In order to reword this, we're going to

have to say that we're only allowing on this particular one two signs, two facade signs, 2.5 x 18, 6.33, that's the way it's got to be.

MS. CORSETTI: This is just for two facade, one on the front, one on the back.

MR. MCDONALD: Make motion we grant a variance for the two facade signs to be located on the front and back of the building.

MR. KANE: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. KANE: May I amend that, that's supposed to be all the 91.5 foot height variance and 8.3 foot length variance on those signs.

MR. NUGENT: That's right.

MR. KANE: I'd like to make sure that's added to the motion, please.

MR. TORLEY: Good idea.

MR. NUGENT: Now, the next one that I have I don't understand this, another facade sign which is proposed 4 X 4 sign requires 1.5 height variance.

MR. SWEENEY: That's the disks.

MR. BELCHERT: Mike took that, he called me, he said about the menus and that's in place, we're moving that.

MR. SWEENEY: He isn't giving us a denial.

MR. BELCHERT: He added it on to the application, he told me he did.

MS. CORSETTI: I have a separate one for the menu board.

MR. NUGENT: I didn't get to that one yet, let's back up a little bit, we're going to do these rounds things.

MS. CORSETTI: These are the two disks on each side of the building.

MR. NUGENT: He only wanted one.

MR. SWEENEY: Now we're modifying it for two, one on each side.

MR. BELCHERT: The way the building is designed, the wall is out like this and what they're saying is what's that north and south elevation on 32, what they are saying is that, you know, it's really double sided, but it's on both sides of the wall, so that's why the two on the disk signs.

MR. TORLEY: Now I'm confused, we granted a variance for the two text signs and also included a logo, one in the front and back of the building, now you're asking for four logo signs?

MR. NUGENT: No, no, two.

MR. TORLEY: One on each side of the chimney.

MR. BELCHERT: Yes, whatever they call that.

MR. BELCHERT: Does anybody remember Carrols, they're going back to this, I mean, this was years ago.

MR. NUGENT: Can we get a motion on the facade signs?

MR. TORLEY: So moved that we grant the variance for the two 3 foot logo signs.

MR. KANE: Second the motion.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. NUGENT: The last and final one is the menu board has a request for 22 square feet.

MR. TORLEY: I've got a couple questions on that, I go into different Burger Kings, I don't remember many of the Burger Kings have one menu sign further down and then a second menu sign actually around the speaker pickup, is that what you're doing or is this going to be one sign over the microphone speaker?

MR. BELCHERT: To be perfectly honest, I don't know, I know they have the menu board but I don't know if they have the pre-sell menu board.

MR. TORLEY: That's two signs.

MR. BELCHERT: I would, because the pre-sell menu board it's meant to go in the drive-in and the pre-sell menu board is meant to eliminate you looking at that and then you go on to the next one, I'm not sure whether this one has it. They may, I suspect they may, what we're asking for is to transfer what they have over to here.

MR. TORLEY: That's two more freestanding signs then.

MR. BELCHERT: That are existing.

MR. BELCHERT: We may be coming back here saying we're going to remodel, I'm just letting you know.

MR. SWEENEY: We're doing what's there now, they don't have a pre-sell, we won't have a pre-sell tore.

MR. KANE: One sign.

MR. BELCHERT: Then we're simply asking permission to move that sign.

MR. SWEENEY: Same idea as the pylon.

MR. TORLEY: Menu board never got a variance.

MR. SWEENEY: I don't know.

MR. BELCHERT: That was top debate at the building department, we said well, okay.

MR. KANE: That's neither here nor there.

MR. NUGENT: Twenty-two square foot variance we need.

MR. KRIEGER: This will be located in the back of the building not visible above the building.

MR. BELCHERT: Right, as they come around, they see it as they drive up.

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: Move that we approve Bila Family Partnership and Burger King for one menu board with a 22 square foot variance.

MR. MCDONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MS. CORSETTI: We sent out 133 notices to property owners within 500 feet.

MR. SWEENEY: I got five back.

MR. NUGENT: We had a letter from Arthur Stockdale who owns a house nearby, who's not, was not in support of approving this variance.

June 26, 2000

33

MR. TORLEY: What's the address on that, please?

MR. NUGENT: One house left.

MR. TORLEY: Street address?

MS. CORSETTI: Christie Lane, Jerico, Vermont.

MR. TORLEY: Where is the house?

MR. KANE: One left, the guy lives in Vermont.

MR. REIS: It's Forge Hill Road.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-22

Date:

6/2/00

I. ☒ Applicant Information:

- (a) Bila Partnership, 158 North Main St., Florida, NY 10921 (914) 651-7973
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) C NYS Route 32 65-2-12
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-5
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 20+ years
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? YES
If so, when? 9/89, 9/98, 6/99
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

✓ VI. Sign Variance: SEE ANNEXED

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

SEE ANNEXED

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

SEE ANNEXED

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- ✓ Copy of contract of sale, lease or franchise agreement.
- N/A Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ✓ Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: June 2, 2000

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Jeff G. Rosenberg
(Applicant)
Jeffrey G. Rosenberg

Sworn to before me this

2 day of June, 19²⁰⁰⁰.

ARLENE ANDERSON
Notary Public, State of New York
No. 01AN5038939
Qualified in Orange County
Commission Expires February 6, 192001

XI. ZBA Action:

(a) Public Hearing date:

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-22

VI. (a) (b) (c)

The variances requested are for a replaced Burger King store at the New Windsor Town Center on Route 32. The variances are from sections 48-18 B1, 48-18 H and 48-18 M(2) of the zoning law as follows:

1. A free-standing Burger King logo pylon sign (already existing) to be in combination with 2 other pylon signs for the shopping center (variances already granted.) *OK.*
2. *2 front & rear*
~~Four~~ facade signs with a Burger King name on each side of the building at 18.33 feet wide (one sign allowed at 10 feet wide.) ~~4/2 disks on it~~ *OK.*
3. One smaller (4x4 foot) logo facade sign (2.5 high permitted). — *OK.*
4. Five internally lit 3.5 high directional signs, ~~and a menu board (already existing).~~ None *OK.* permitted.
5. *Menu Board -*

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEWYORK

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: May 16, 2000

APPLICANT: Ozzie Beichert, Timely Signs of Kingston , Inc.
154 Clinton Ave.
Kingston, NY 12401

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 11, 2000

FOR : Burger King Signs

LOCATED AT: Big V. Town Centre Rt 32 Vails Gate NY

ZONE: Sec/ Blk/ Lot: 65-2-12

DESCRIPTION OF EXISTING SITE: New Building, 4'x4' Wall sign

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-18, b1 Façade sign, 1 permitted not to exceed 2.5' high x 10' width. Proposed 4'x4' sign requires a 1.5' height variance.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE:

SIGN:

FREESTANDING:

HEIGHT:

WIDTH:

WALL SIGNS: 1 Facade sign
2.5 x 10'

4'x4' sign

1.5 Height

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE.W/ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

FRONT WALL SIGN

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be corrected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation Inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

MAY 11 2000

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: 422-2000

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises BILA FAMILY PARTNERSHIP / BIG V TOWN CENTRE

Address RT. 32 VAILE GATE, NY Phone 914-651-7973

Mailing Address 158 NORTH MAIN ST. FLORIDA, NY 10921

Name of Architect _____

Address _____ Phone _____

Name of Contractor TIMELY SIGNS OF ...

Address 154 CLINTON AVE KINGSTON, NY 12401 Phone 331-8710

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER

If applicant is a corporation, signature of duly authorized officer.

Ozzie Beuchert, PRES
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of ROUTE 32
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 65 Block 2 Lot 12 MAY 11 2000

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction BUILDING DEPARTMENT

a. Existing use and occupancy BURGER KING

b. Intended use and occupancy BURGER KING

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

SIGN PERMIT

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

PAID

50. CITY 5064 Permit # 0911

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

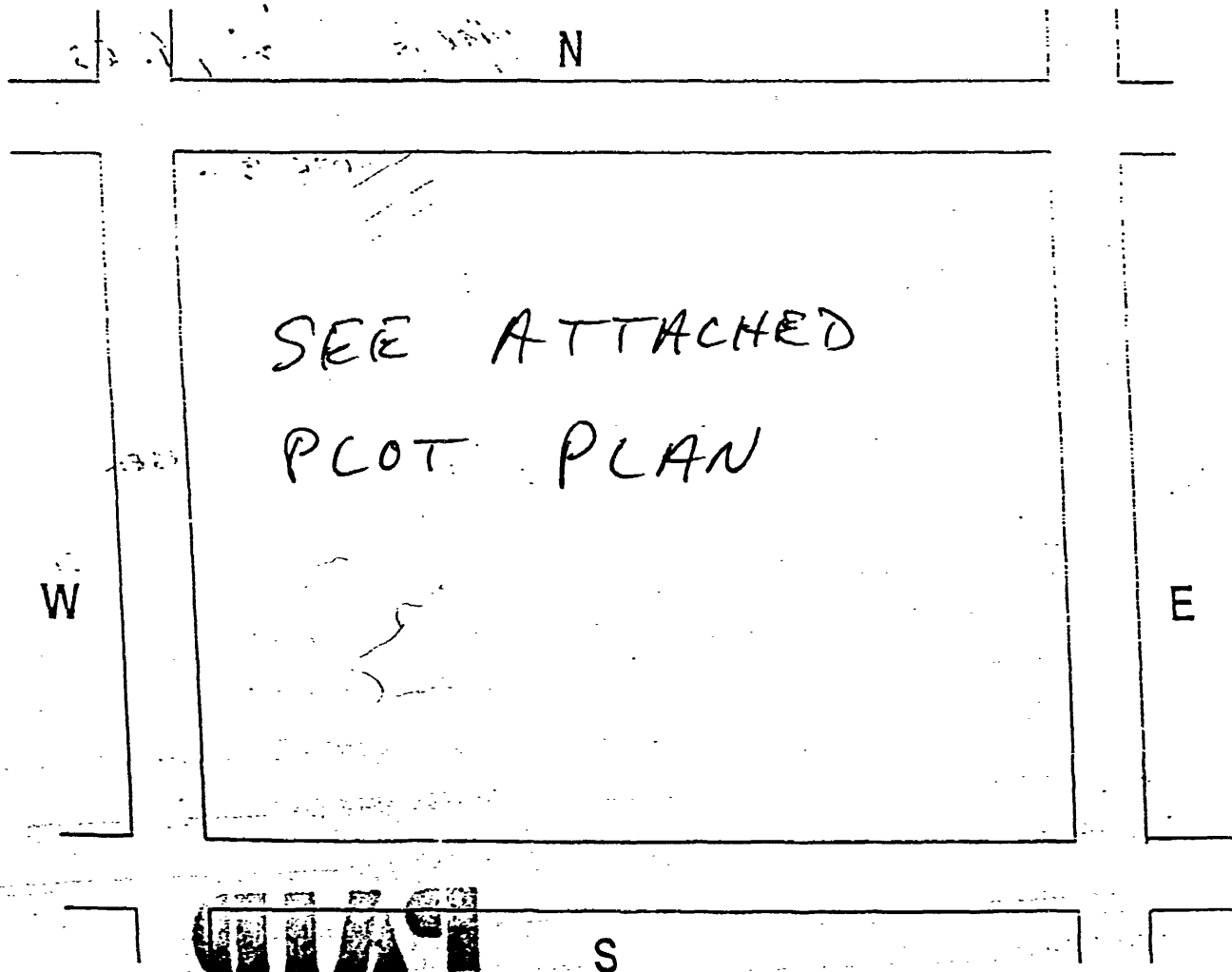
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Ozzie Benoit (Signature of Applicant) 1 PRES. TIMELY SIGNS 154 CLINTON AVE. KINGSTON, NY (Address of Applicant) 12401

GEE ATTACHED OWNER'S SIGNATURE
(Owner's Signature) (Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



COLORS

- Logo: Standard colors; BK Yellow buns, BK Red copy, BK Blue crescent, white background.
- Cabinet and retainer: BK Silver.

MATERIALS

- Faces: Clear polycarbonate. Graphics are translucent vinyl applied second surface and dish formed.
- Cabinet: Painted, fabricated aluminum.
- Retainer: Painted aluminum extrusion.
- Internally illuminated with high output fluorescent lamps.
- Wall mount.

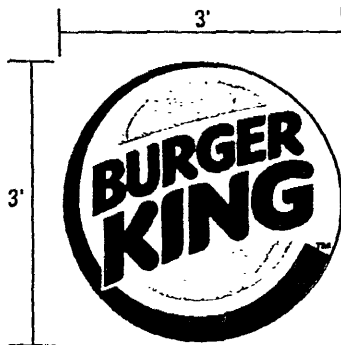
WALL SIGNS

FLUORESCENT ILLUMINATED SINGLE FACE

TOTAL BOXED SQUARE FOOTAGE:

- WS 3: 9 sq. ft.
- WS 4: 16 sq. ft.
- WS 5: 25 sq. ft.
- WS 6: 36 sq. ft.

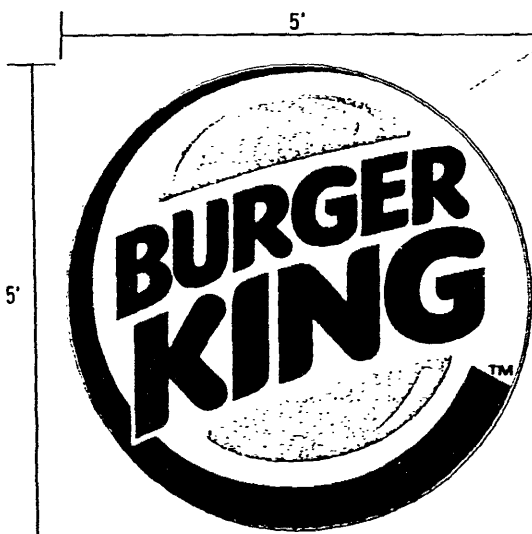
WS 3



WS 4



WS 5



WS 6



ARTHUR D. STOCKDALE

26 Kriste Lane, Jericho, VT 05465

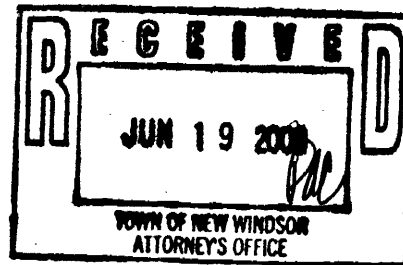
(802) 899-1920

6/16/00

Subject: Bila Partnership variance - Appeal No. 22

Zoning Board of Appeals
555 Union Ave.
New Windsor, NY 12553


Attn: Pat



To Whom It May Concern:

I write this letter of appeal, as I am unable to attend the public hearing being held June 26, 2000. I am opposed to the variance of section 48-18 B1, H and M (2) that is being requested by Bila Partnership. I've owned my single dwelling home at 66 Old temple Hill Road for 8 years. The house is located between Stewarts and what is being developed by Bila Partnership. I feel I should have been contacted by Bila Partnership back when the development began and not singled out when Bila Partnership purchased the other homes. I live in Vermont and was not aware of this activity until after the other houses that were purchased by Bila Partnership were leveled. I now feel that I'm being compromised, as my house is the only single family dwelling standing. All other homes were purchased at their fair market value. I've recently been offered just half of the value of my home and feel approving any more zoning variances will further reduce the value of my property. The variance for several signs for a new Burger King store at the New Windsor Town Center on Rt. 32 with four facade signs on each side of the building, a logo sign, a free standing pylon sign, directional signs, and a menu board will further reduce the value of my home. I am requesting your support in not approving this variance, Appeal No. 22.

Sincerely,


Art Stockdale

June 16, 2000

zoning_board_bila.lwp

Date 5/31/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TOFrances Roth..... DR.
168 N. Drury Lane
.....Newburgh, N.Y. 12550.....

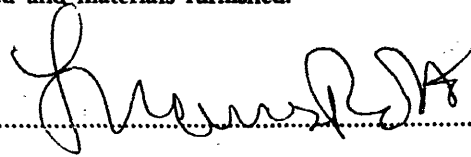
DATE			CLAIMED	ALLOWED
5/31/00		Zoning Board Mtg	75.00	
		Misc - 3		
		Morano - 7		
		Ujor - 3		
		L.G. Enterprises - 3		
		Bila Partners 9 \$ 40.50		
		Deteo - 9		
		Shuman - 2	162.00	
		36		
			237.00	
		James W. Hight		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the

Town Clerk on the day

of 19

the within claim was audited and allowed

for the sum of

\$

Clerk

BILA PARTNERS/BURGER KING

MR. NUGENT: Request for sign variances on new construction at Big V Town Centre; Facade: 1.5 height variance and 8.33 ft. sign width, 4 additional facade signs; Freestanding: 5 ft. sign height, 138 Square foot area and 1 additional freestanding sign; plus 4 electrically illuminated directional signs (not permitted) in variation of Section 48-18 Supplemental Sign Regulations on Route 32 in a C zone.

James Sweeney, Esq. and Mr. Ozzie Beichert appeared before the board for this proposal.

MR. SWEENEY: For the record, my name is Jim Sweeney, I'm here on behalf of Bila Partners building the Town Center around the corner and we're involved with the Burger King and relocation of the Burger King from the site plan that you folks saw about a year back in September of 1998 was the first sign, some of the sign variances we received from you and then if you remember, we came back and asked for a sign variance for the video, Hollywood Video store. So, what has happened at this point is that Burger King has been slightly relocated, again, it's going to be the prototypical new Burger King being built in the area, they are new to the area and we need some more, we don't need more sign variances, we need different variances from the one that you granted in September of 1998. And I don't know if you remember that package of variances but there was groupings of facade variances, pylon variances and for satellites for main stores, anchor stores and so on, pretty complex variance that you did grant. The nuts and bolts of what we need today are basically maybe Mike can help me out, we need variances for Burger King signs on four sides of the building.

MR. BABCOCK: That's correct.

MR. SWEENEY: Four directionals, five foot high, are they five foot high directionals?

MR. BABCOCK: Yes.

MR. SWEENEY: What else do we need?

MR. BABCOCK: Maybe--

MR. BEICHERT: There's an existing pylon we want to move.

MR. SWEENEY: Does that need a variance or relocation?

MR. BABCOCK: You need a variance for one freestanding sign, you're putting up two and you need a five foot height variance for that freestanding sign 20 foot high.

MR. SWEENEY: Do you want to show the good folks what we're doing here?

MR. BEICHERT: Basically, and I would have liked, my name is Ozzie Beichert, I'm from Time Life Signs and I represent Carrolls Corporation in the signage issue and basically, we did not get these signs from Burger King corporate until Wednesday so--this is a brand new building design, basically what we want to do, the existing Burger King has a pylon sign in front of it, we want to move that I guess it's a couple hundred feet.

MR. SWEENEY: 250 feet.

MR. BEICHERT: To the front of the new one and put signs on the Burger King, as the Burger King corporate people say, this is what the new Burger King looks like.

MR. KANE: Where would the other freestanding come in?

MR. BEICHERT: The other freestanding is not a Burger King sign, it's--

MR. SWEENEY: It's the main mall sign.

MR. BABCOCK: They are allowed one sign which they're going to put up.

MR. SWEENEY: We had a variance for the two, this is a

matter of really relocating it.

MR. BABCOCK: Yes, there's three signs going to go up on the site right now, there's three freestanding signs that are on each entranceway, one on Old Temple Hill Road, one on 32 and one on Forge Hill which they got variances for. We're saying they're allowed one sign, they want to put in an additional freestanding sign that says Burger King, they want to relocate it, it's there for Burger King now.

MR. KANE: Take the big Burger King sign that they have now, nothing really additional and move it out in front of the new store.

MR. BABCOCK: We're telling them it's not allowed because they're already got a freestanding sign by the entrance.

MR. BEICHERT: My understanding is that this may have a variance already, the existing Burger King sign, I'm not sure.

MR. BABCOCK: There was something about it and also the size of it because they had the changeable lettering, we're going to revise that since he's coming in for the rest, it's a matter of him relocating that sign but we're going to revise it, the square footage, also.

MR. TORLEY: We're not talking about the pylon sign tonight, is that the case?

MR. BABCOCK: Yes, we are.

MR. SWEENEY: We're going to relocate the Burger King pylon sign.

MR. BABCOCK: I'm telling them they can't relocate it without a variance.

MR. TORLEY: We don't have the dimensions.

MR. BABCOCK: Yes, we do.

MR. SWEENEY: Same dimensions there.

MR. BABCOCK: They're allowed 64 square feet, it's 202 square feet and they need 138.

MR. TORLEY: I see pylon sign and numbers scribbled on it, those numbers refer to the variance they have on the present sign?

MR. SWEENEY: Going to be the same sign, pick it up and move it.

MR. BEICHERT: We did not have a picture, but basically, the same sign that's there, just moving it 250 feet north.

MR. SWEENEY: Burger King is pivoted around.

MR. KANE: Is that one where the pad's being poured now?

MR. BEICHERT: Yes.

MR. REIS: Approximately the middle of the site.

MR. BABCOCK: Right in front of Shop Rite, just moved up.

MR. KANE: The only thing I find confusing it's under Bila Burger King, says freestanding sign and that, and one then additional.

MR. BABCOCK: Well, what it says--

MR. SWEENEY: We've got more here.

MR. BABCOCK: What the law says is that you're permitted one freestanding sign per lot. They've got that up, they haven't put it up yet, but they've got permission, they got a variance for two additional freestanding signs, so what we're saying today just taking Burger King by itself, they're allowed one sign, they want to have one additional sign.

MR. TORLEY: The additional is actually the one that's there now.

MR. BABCOCK: That's correct.

MR. SWEENEY: That's the big sign, now we have building signs, facade signs on the building itself which are going to be slightly bigger than I think we had gotten a variance for last time around, I think, but I'm not sure of that.

MR. TORLEY: There are no variances I recall.

MR. SWEENEY: There was facade variances, you granted a set of facade variances for the overall facade variances for the satellite.

MR. TORLEY: My recollection is different. I don't recall. He's got it right there, he's looking at it.

MR. SWEENEY: It's for the satellite stores, the dimensions were two foot high, 30 foot long maximum building maximum area of 60 square feet and linear frontage 75 feet on the front, so I don't know what these come out to be but you're looking at what we need.

MR. NUGENT: 18 x 2.

MR. BABCOCK: Mr. Chairman, instead of looking and trying to figure out what variances they might have gotten in earlier stages and what they didn't, it's easier for us for record keeping to get all the stuff straightened out so that when somebody comes in, Burger King file is done.

MR. KANE: Just by the numbers we have here.

MR. BABCOCK: Yeah, the variance that Jim is talking about there I'm not sure because, you know, it's because of the application that came in, are they the satellite stores next to Shop Rite, are they the, it's a little confusing.

MR. KRIEGER: Were they included in the term satellite stores?

MR. BABCOCK: I don't know.

MR. SWEENEY: I'm not going to fight one way or the other.

MR. TORLEY: So what we're saying you want to start regardless of the, all the variances you got now, starting ground zero on the Burger King and every variance from whatever the code is.

MR. BABCOCK: That's what they're asking for.

MR. TORLEY: Applicant is willing to waive any previously granted variances for the building?

MR. SWEENEY: Yeah, sure, I just want to let you know you did grant some variances.

MR. TORLEY: Just for the record, so we're looking as if it's starting out from scratch.

MR. SWEENEY: Let's do it that way, it makes it clean and easy so what we need on the facade, what are the size of the signs?

MR. BEICHERT: Two foot high by 18 foot, all right, I think what is it, Mike, ten foot.

MR. BABCOCK: You're allowed ten foot, you're proposing 18.33 feet and so you need an 8.33 foot and you need, you're permitted one wall sign, there's going to be five, right?

MR. BEICHERT: Yes, there's a set of letters according to the design a set of letters on each elevation, front, back, north and south and then there's a four foot wall logo on the front, that's the way they designed the building.

MR. TORLEY: And one other, they're right.

MR. BEICHERT: The other one is they snuck that in on us, this is the, these are the letter sets, they are two foot by 18 foot, that's one piece.

MR. TORLEY: You're permitted one and they want four.

MR. KANE: They're permitted one, they want four additional, total five.

MR. NUGENT: I think we need to take, I have in front of me four denials, I think we need to take each one separately and address it and take care of it and then go on to the next one, otherwise, we're going to be totally confused. They know what they want to do, but we don't know what they want to do.

MR. TORLEY: Mr. Chairman, in order, we know we're going to have a pretty long public hearing on this one, can we move to that stage now, if you're willing, I would move to set them up.

MR. NUGENT: Good idea.

MR. TORLEY: So I'm moving.

MR. KANE: One quick question before we go there, the only concern I have, I'm looking at electrically illuminated directional signs, they're internally lit.

MR. BEICHERT: They're the little like entrance, enter, exit that bring you around into the drive in and--

MR. KANE: How high are they from the ground?

MR. NUGENT: Four foot.

MR. BEICHERT: Yeah, they're 3, 3 1/2 foot.

MR. TORLEY: No other questions. So moved.

MR. MC DONALD: Second it.

MS. BARNHART: We have a motion and a second, what are we going to do with it?

MR. TORLEY: I want to make sure these are all the variances requested. I notice nothing about the present Burger King has a sign that says these are the meals 1 through 6.

MR. BEICHERT: The menu board, we need to do something for the menu board.

MR. NUGENT: That will be freestanding?

MR. BEICHERT: No, it's moving with the building.

MR. NUGENT: It will be attached.

MR. BEICHERT: I never consider the menu board a sign and nobody told me about that. I found out about that this morning.

MR. KANE: It's existing, I don't have too much of a problem, but if you need to cover it so we get it all done in the next meeting.

MR. BEICHERT: I'll put that together with the drawing and everything.

MR. SWEENEY: Where did you hear, I'm looking at the building inspector, he's saying he doesn't know.

MR. BEICHERT: I got a message from Lou that I just got this morning, I've been out of town for three days, I got in this morning, we need a permit for the menu board and I said oh.

MR. BABCOCK: Did you just give him a copy of this? Possibly he just got that.

MR. BEICHERT: No, I know where he got it from, the developer, not from me, he must of seen the menu board and said oh, because I never even thought about that until--

MR. BABCOCK: I can add it to one of these, Mr. Chairman, this way, there's no confusion.

MR. KANE: We'd like to handle it in one shot.

MR. BEICHERT: As would I. I would greatly appreciate that.

May 22, 2000

23

MR. TORLEY: My motion is that we grant the applicants a public hearing on their requested sign variances.

MR. KANE: Second the motion.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TORLEY: You're asking for what in my mind is a very substantial variance, you're permitted one wall facade sign, you're asking for five big ones.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 22

Request of Bila Partnership

for a VARIANCE of the Zoning Local Law to Permit:

Several sign variances for a new Burger King Store at the New Windsor Town Center on Rt. 32 with 4 facade signs on each side of the building, a logo sign, a free standing pylon sign, directional signs, being a VARIANCE of Section 48-18 B1, H and M(2) and a menu board.

for property situated as follows:

NYS Route 32 bounded by Old Temple Hill Rd. and Old Forge Hill Rd.
known and designated as tax map Section 65, Blk. 2 Lot 12

PUBLIC HEARING will take place on the 26th day of June, 2000, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK.**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: May 26, 2000

**APPLICANT: Ozzie Beichert, Timely Signs of Kingston Inc
154 Clinton Avenue
Kingston, New York 12401**

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/25/2000

FOR : Burger King Freestanding Menu Board

LOCATED AT: Big V Town of Centre Rt. 32 Vails Gate NY

ZONE: Sec/ Blk/ Lot: 65-2-12

DESCRIPTION OF EXISTING SITE: New Building

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1.48 – 18H1a Freestanding signs, only one freestanding sign for any non-residential business site is permitted. Proposed menu board 46' x 69' or 22 sq ft requires a variance for the additional freestanding sign and 22sq ft.

Louis J. Kynhor
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE: Freestanding Sign

SIGN:

FREESTANDING: 1 Per Site

1 Additional

1 Freestanding Menu Board

HEIGHT:

WIDTH:

WALL SIGNS:

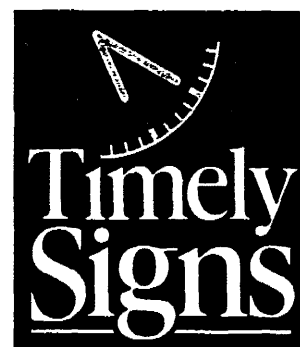
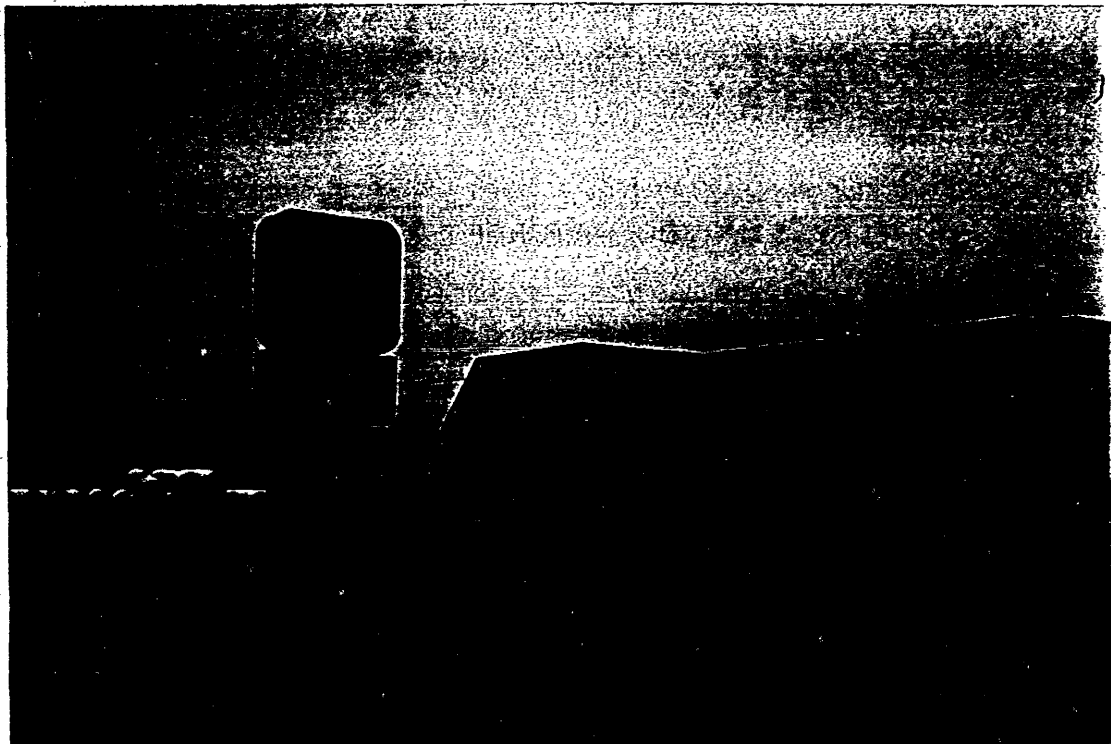
TOTAL ALL SIGNS: 64 sq ft

22 sq ft

22 sq ft

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP



Ozzie Beichert
President

154 Clinton Ave. • Kingston, NY 12401

telephone: **914-331-8710**

800-676-8710

facsimile: **914-331-8712**



154 Clinton Ave Kingston NY 12401
Phone: 800-676-8710 Fax: 914-331-8712

RECEIVED

MAY 23, 2000

BUILDING DEPARTMENT
MAY 23, 2000

TOWN OF NEW WINDSOR BUILDING DEPT.

ATTN: MIKE BABCOCK

RE: BURGER KING VAIL'S GATE

I AM ENCLOSING A COPY OF THE SPECS FOR THE MENU BOARD AS WE DISCUSSED LAST NIGHT, SO YOU CAN INCLUDE IT ON ONE OF THE PERMITS. I AM ALSO ENCLOSING A PHOTO OF THE EXISTING PYLON SIGN AT VAIL'S GATE, WHICH I DID NOT HAVE WITH ME LAST NIGHT, FOR THE BOARD'S CONSIDERATION.

THANKS,

OZZIE BEICHERT

FEATURES

- Textured polyester powder coat paint provides a five year warranty on the housing and two years on the base.
- Air ventilation is improved by redesigning rear vent placement and additional vents.
Increases the life of the ballast.
Reduces fogging.
Reduces dirt buildup on door glass and panels.
- Heavy duty doors and corner brackets provide durability and stability to the door.

- Exclusive vandal-proof DZUS door locking system insures durability of the door lock and ease of use.
- The door crystals are an abrasive resistant polycarbonate which resist scratching and graffiti.
- Menu panels are easily removable to allow for strip, pricing or promotional changes.
- Menu panel support brackets insure the panels are flush against the door.
- Includes a complete set of menu strips, headers, transparencies, digit carriers and pricing fonts.

MENU BOARD

Exterior Systems

DTMBS-3

DRIVE-THRU MENU BOARD.

- Size: 45-7/8" H x 69-1/4" W.
- Strip capacity: 35.

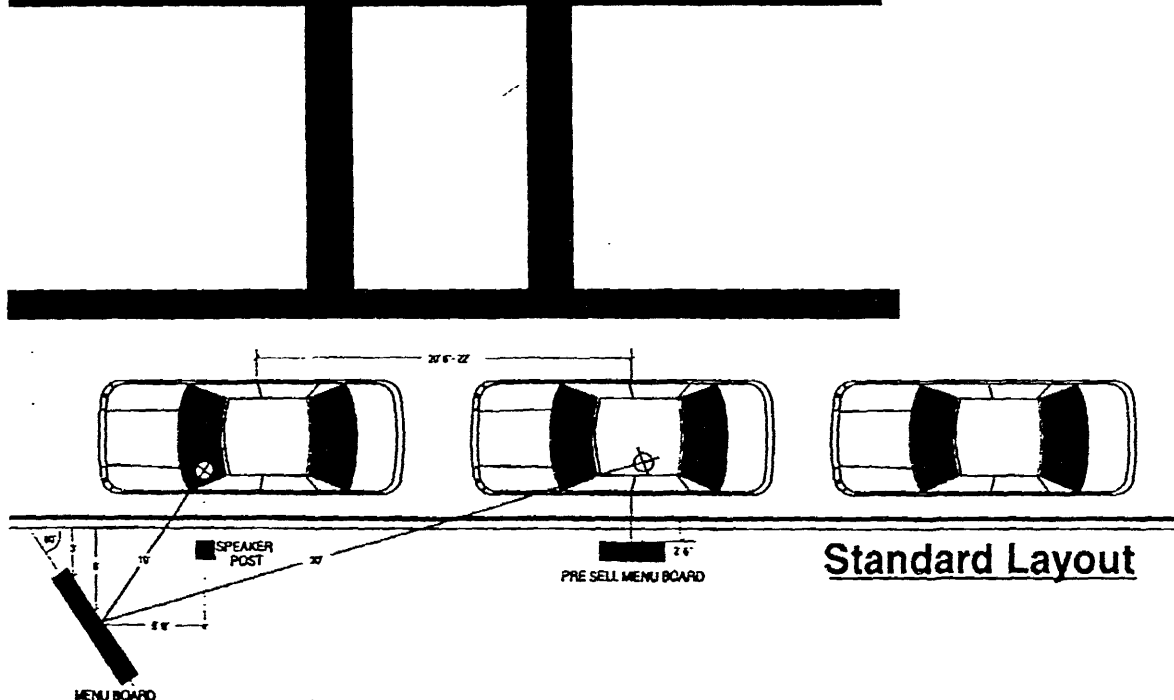
- Transparencies: 8.

- Electrical: 2.8 amps @ 120 volts, AC @ 60HZ.

SPKD-1

SPEAKER POST (may be used as a single or duplex system).

- Size: 47" H x 8" W x 8" depth.
- Electrical: .33 amps @ 120 volts, AC @ 60HZ.



**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEWYORK**

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: May 16, 2000

APPLICANT: Ozzie Beichert, Timely Signs of Kingston, Inc.
154 Clinton Ave.
Kingston, NY 12401

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 11, 2000

FOR: Burger King Signs

LOCATED AT: Big V Town Centre Rt 32 Vails Gate NY

ZONE: Sec/ Blk/ Lot: 65-2-12

DESCRIPTION OF EXISTING SITE: New Building

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-18H. 1a Freestanding Signs, only one Freestanding sign for any non-residential business site is permitted. Proposed sign exceeds 15' maximum height and 64sqFT total all sign faces.

Louis J. Hughes
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE:

SIGN:

FREESTANDING: 1 Per site

1 Additional

1 Freestanding sign

HEIGHT: 15FT

20FT

5FT

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS: 64sqFT

202sqFT

138sqFT

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE.W/ATTACHED MAP

EXISTING New
PYLON SIGN
WITH READER BOARD

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

RECEIVED

MAY 11 2000

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 427-2000

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises BILA FAMILY PARTNERSHIP / BIG V TOWN CENTRE

Address RT. 32 VAILS GATE, NY Phone 914-651-7973

Mailing Address 158 NORTH MAIN ST. FLORIDA, NY 10921

Name of Architect _____

Address _____ Phone _____

Name of Contractor TIMELY SIGNS OF KINGSTON, INC.

RECEIVED

MAY 11 2000

BUILDING DEPT.

Address 154 CLINTON AVE KINGSTON, NY 12401 Phone 331-8710

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER

If applicant is a corporation, signature of duly authorized officer. Ozzie Benkert, PRES

(Name and title of corporate officer)

1. On what street is property located? On the WEST side of ROUTE 32
N, S, E or W) and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 65 Block 2 Lot 12

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy BURGER KING b. Intended use and occupancy BURGER KING

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒ SIGN PERMIT

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

PAID

pd CK# SD64
50.00 receipt #

/ /
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

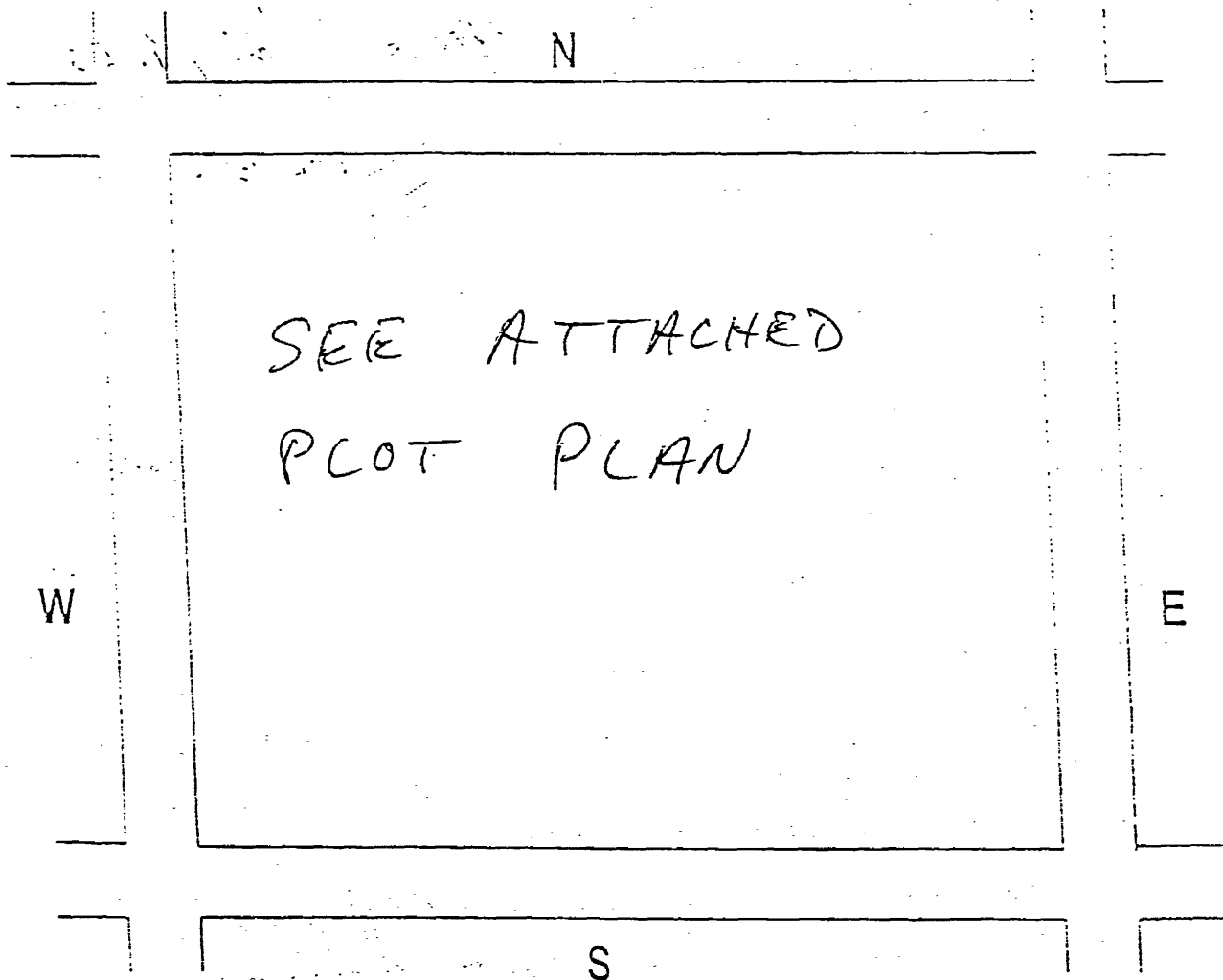
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Ozzie Benkert, PRES. TIMELY SIGNS 154 CLINTON AVE. KINGSTON, NY
(Signature of Applicant) (Address of Applicant) 12401

SEE ATTACHED OWNER'S SIGNATURE
(Owner's Signature) (Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



EXISTING NEW

COLORS

- Logo: Standard colors; BK Yellow buns, BK Red copy, BK Blue crescent, white background.
- Cabinet & retainer: BK Silver.
- Escutcheon and steel: BK Blue.
- Secondary (Appendage) signs: Background is BK Red with white copy. BK Blue cabinet and retainer.

MATERIALS

- Faces: Flexible vinyl fabric. Graphics are translucent vinyl applied first surface. White background outside Logo area is opaque (dark when illuminated).
- Cabinet, retainer and escutcheon: Painted, fabricated aluminum.
- Secondary (Appendage) signs: Clear polycarbonate faces with translucent vinyls applied second surface and pan formed. Single face signs (two required).
- Internally illuminated with high output fluorescent lamps.

GROUND SIGNS

Pylon Signs

FLUORESCENT ILLUMINATED DOUBLE FACE

TOTAL BOXED
SQUARE FOOTAGE:
P 8x8:

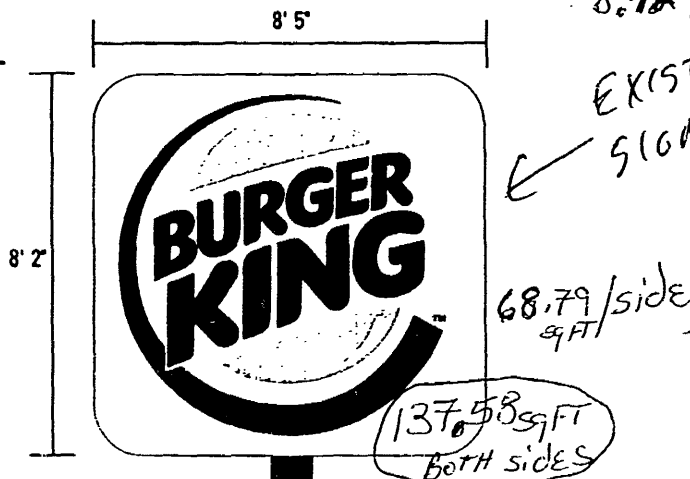
Main cabinet: 68.74 sq. ft.
Appendage: 14.38 sq. ft.

P 6x6:

Main cabinet: 37.51 sq. ft.
Appendage: 8.85 sq. ft.

P 8x8

Shown at 30' OAH.



P 6x6

Shown at 25' OAH.



4' READER BOARD

64.59 sq. ft. BOTH SIDES
32 EACH SIDE

20' ABOVE
GROUND LEVEL

EXISTING
SEE ATTACHED
DWG.

COLORS

- Face: White.
- Cabinet and retainers: BK Blue.
- Changeable copy: Black.

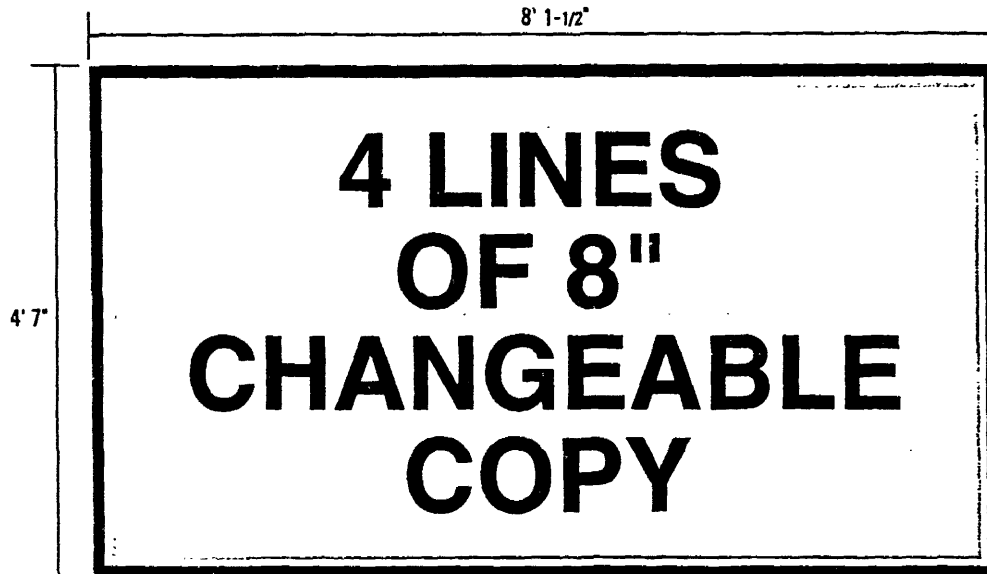
MATERIALS

- Single face construction, (2) required.
- Face: White polycarbonate, "plank" formed.
- Cabinet: Painted, fabricated aluminum.
- Retainers: Painted aluminum "F" mold.
- Internally illuminated with high output fluorescent lamps.

**READERBOARD
SIGN**

**FLUORESCENT ILLUMINATED
SINGLE FACE
TOTAL BOXED
SQUARE FOOTAGE:
RB 1: 37.23 sq. ft.**

RB 1



*EXISTING SIGN
UNDER BURGER
KING LOGO SIGN*

COLORS

- Background: Red.
- Copy: White.

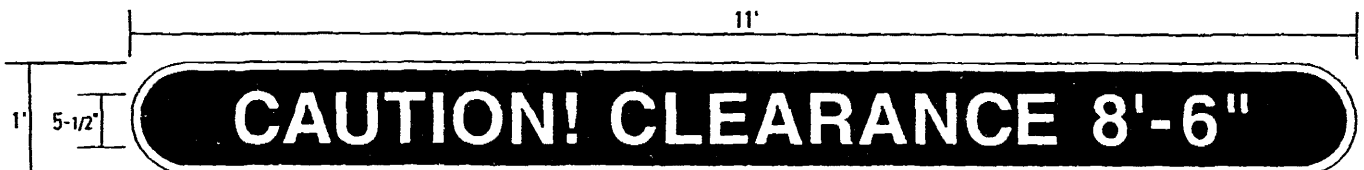
MATERIALS

- Face: Clear polycarbonate.
- Background: 3M Scotchlite reflective vinyl, 580-72 Red.
- Copy: 3M Scotchlite reflective vinyl, 580-10 white.

**CLEARANCE
SIGN**

**NON ILLUMINATED
SINGLE FACE
TOTAL BOXED
SQUARE FOOTAGE:
CS 1: 11 sq. ft.**

CS 1



ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

X

In the Matter of the Application for Variance of

Bila Family Partnership

00-22

AFFIDAVIT OF
SERVICE
BY MAIL

X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 06 day of June, 20 00, I compared the 133
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20 ____.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

May 26, 2000

James G. Sweeney, P.C.
Attorney at Law
One Harriman Square
PO Box 806
Goshen, NY 10924

Re: Bila Family Partnership 65-2-12

Dear Mr. Sweeney,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$148.00, minus your deposit of \$25.00.

Please remit the balance of \$123.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Cook" followed by a circled "Ld".

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

Luis & Jeanine Maisonet ✓
409 Old Forge Hill Road
New Windsor, NY 12553

Raymond & Grace Skoplik ✓
35 Vails Gate Heights Drive
New Windsor, NY 12553

Margaret Foley ✓
55 Vails Gate Heights Drive
New Windsor, NY 12553

Paul & Irma Martini ✓
407 Old Forge Hill Road
New Windsor, NY 12553

Vincent & Gertrude Schmidt ✓
37 Vails Gate Heights Drive
New Windsor, NY 12553

Linda Asmann ✓
2317 Tropical Shores Drive SE
St. Petersburg, FL 33705-3344

Betty Lawrence ✓
405 Old Forge Hill Road
New Windsor, NY 12553

Frederick & Thelma Zellind ✓
39 Vails Gate Heights Drive
New Windsor, NY 12553

Sally Scheiner Revocable Trust ✓
C/o Scheiner Trustee
14488 Via Royale
Delray Beach, FL 33446

Rose Karpinski ✓
21 Vails Gate Heights Drive
New Windsor, NY 12553

Stephen & Annelie Coyle ✓
41 Vails Gate Heights Drive
New Windsor, NY 12553

Christopher Isaacs ✓
Sandra Jackson
61 Vails Gate Heights Drive
New Windsor, NY 12553

Sonnie & Diane Warshaw ✓
23 Vails Gate Heights Drive
New Windsor, NY 12553

Meredith Elaine Baker ✓
43 Vails Gate Heights Drive
New Windsor, NY 12553

David & Edith Herring ✓
63 Vails Gate Heights Drive
New Windsor, NY 12553

Ronald & Marie Perry ✓
25 Vails Gate Heights Drive
New Windsor, NY 12553

Martin & Frances Shapiro ✓
45 Vails Gate Heights Drive
New Windsor, NY 12553

Peter & Lucy Martini ✓
PO Box 331
Vails Gate, NY 12584

Barbara Levy ✓
27 Vails Gate Heights Drive
New Windsor, NY 12553

Leonard & Lucy Hunger ✓
47 Vails Gate Heights Drive
New Windsor, NY 12553

Highland Operating LTD ✓
PO Box 479
Washingtonville, NY 10992

Phyllis Palumbo Life Estate ✓
Annette Ziegler
29 Vails Gate Heights Drive
New Windsor, NY 12553

Juencio Navedo ✓
49 Vails Gate Heights Drive
New Windsor, NY 12553

George Encke ✓
69 Vails Gate Heights Drive
New Windsor, NY 12553

David Borrero ✓
31 Vails Gate Heights Drive
New Windsor, NY 12553

Frank Robinson ✓
51 Vails Gate Heights Drive
New Windsor, NY 12553

Christine Castro ✓
Steve Christian
71 Vails Gate Heights Drive
New Windsor, NY 12553

Steven & Ronni Warshaw ✓
33 Vails Gate Heights Drive
New Windsor, NY 12553

Carmine Pacione ✓
393 Old Forge Hill Road
New Windsor, NY 12553

James Kilcullen ✓
73 Vails Gate Heights Drive
New Windsor, NY 12553

Salvatore & Concetta Petrosese ✓
75 Vails Gate Heights Drive
New Windsor, NY 12553

Ernest & Ruth Banks ✓
95 Vails Gate Heights Drive
New Windsor, NY 12553

Jerline & Zelda Ward ✓
401 Old Forge Hill Road
New Windsor, NY 12553

Carmine & Norma Luongo ✓
77 Vails Gate Heights Drive
New Windsor, NY 12553

Ronald Fall ✓
Susan Sloane
815 Cooper Road
Poughkeepsie, NY 12603

Emil Mihalco Jr. ✓
Bernice Sopiell
387 Old Forge Hill Road
New Windsor, NY 12553

Alberto & Mary Zernerli ✓
79 Vails Gate Heights Drive
New Windsor, NY 12553

Joel & Talietha ✓
PO Box 951
Vails Gate, NY 12584

Windsor Properties ✓
C/o Peck & Heller Mortgage Account
2301 Lincoln Building
60 e. 42ND Street
New York, NY 10165

Josika Gojka ✓
Adrian Bita
125 Lakeside Road
Newburgh, NY 12550

William & Diana Morang ✓
101 Vails Gate Heights Drive
New Windsor, NY 12553

Edwin & Lorayne Wolff ✓
80 Vails Gate Heights Drive
New Windsor, NY 12553

Lewis Thomas ✓
Claudia Rudin
PO Box 4253
New Windsor, NY 12553

Joseph & Doreen Uhlen ✓
103 Vails Gate Heights Drive
New Windsor, NY 12553

Robert & Harriet Klein ✓
82 Vails Gate Heights Drive
New Windsor, NY 12553

Glen & Regina Mitchell ✓
85 Vails Gate Heights Drive
New Windsor, NY 12553

Vincent Kayes ✓
105 Vails Gate Heights Drive
New Windsor, NY 12553

Hector & Carol Kerc ✓
84 Vails Gate Heights Drive
New Windsor, NY 12553

Eugene & Dorothy Reilly ✓
87 Vails Gate Heights Drive
New Windsor, NY 12553

Josika Gojka ✓
45 Fairview Avenue
New York, NY 10040

John Maresca ✓
86 Vails Gate Heights Drive
New Windsor, NY 12553

Lionel & Marie Garcon ✓
89 Vails Gate Heights Drive
New Windsor, NY 12553

Town of New Windsor ✓
555 Union Avenue
New Windsor, NY 12553

Mary Nottingham ✓
PO Box 501
Vails Gate, NY 12584

Ingrid Anderson ✓
91 Vails Gate Heights Drive
New Windsor, NY 12553

Dominick & Lucille Parisi ✓
53 Highview Avenue
Newburgh, NY 12550

Kim Bak Man ✓
90 Vails Gate Heights Drive
New Windsor, NY 12553

Elizabeth McMahon ✓
93 Vails Gate Heights Drive
New Windsor, NY 12553

Alton & Theresa Christianson ✓
397 Old Forge Hill Road
New Windsor, NY 12553

Bernard & Beatrice Dolan ✓
92 Vails Gate Heights Drive
New Windsor, NY 12553

Nuncio & Mirian Diaz ✓
96 Vails Gate Heights Drive
New Windsor, NY 12553

Jeffrey Knight ✓
Veronica Earley
120 Vails Gate Heights Drive
New Windsor, NY 12553

Adeline Gracey ✓
11809 Oakwood Drive
Woodbridge, VA 22192

Jose & Iris Velez Sr. ✓
100 Vails Gate Heights Drive
New Windsor, NY 12553

John & Luz Mahoney ✓
122 Vails Gate Heights Drive
New Windsor, NY 12553

Robert & Jamene Kopman Living Trust ✓
345 Butternut Drive
New Windsor, NY 12553

David Hater ✓
102 Vails Gate Heights Drive
New Windsor, NY 12553

Lynne Mc Garry ✓
124 Vails Gate Heights Drive
New Windsor, NY 12553

Longo's Service Station, Inc. ✓
362 Windsor Highway
New Windsor, NY 12553

Claudia Edwards ✓
104 Vails Gate Heights Drive
New Windsor, NY 12553

Eddie & Kimberly Higgenbotham ✓
126 Vails Gate Heights Drive
New Windsor, NY 12553

356 Windsor Highway Associates LLC ✓
c/o Grace Panella
2 Hearthstone Way
New Windsor, NY 12553

Juan Ortiz Jr. ✓
106 Vails Gate Heights Drive
New Windsor, NY 12553

Robert Sorrentino ✓
5 Milrose Lane
Chestnut Ridge, NY 10952

Daniel, Jennie & Jenni Simon ✓
2 Mertes Lane
New Windsor, NY 12553

John Romano Jr. ✓
108 Vails Gate Heights Drive
New Windsor, NY 12553

Edward & Anne Lamb ✓
130 Vails Gate Heights Drive
New Windsor, NY 12553

Frank & Lois Moner ✓
3 Mertes Lane
New Windsor, NY 12553

Thomas & Billie Mae Napolitano ✓
110 Vails Gate Heights Drive
New Windsor, NY 12553

Barbara Lagese ✓
134 Vails Gate Heights Drive
New Windsor, NY 12553

Gilbert Rashbaum ✓
6075 Pelican Bay Blvd.
Naples, FL 33963

Leon Saunders ✓
Ann Barnett
114 Vails Gate Heights Drive
New Windsor, NY 12553

William & Virginia Owens ✓
136 Vails Gate Heights Drive
New Windsor, NY 12553

Clarence & Lorraine Gualtieri ✓
PO Box 157
Vails Gate, NY 12584

Carlos & Julia Martinez ✓
116 Vails Gate Heights Drive
New Windsor, NY 12553

James & Shirley Casey ✓
138 Vails Gate Heights Drive
New Windsor, NY 12553

Fall Fittings, Inc. ✓
380 Route 208
New Paltz, NY 12561

Robert & Linda Mazureck ✓
118 Vails Gate Heights Drive
New Windsor, NY 12553

Leonard Benedetto ✓
140 Vails Gate Heights Drive
New Windsor, NY 12553

Orange County I.D.A. ✓
C/o Strober King Building Supply
PO Box 726
Vails Gate, NY 12584

Albany Savings Bank ✓
94 Broadway ✓
Newburgh, NY 12550

Joan A. Shadden ✓
Box 608 A
Vails Gate, NY 12584

Tower Management Financing ✓
Partnership LP
680 Kinderkamack Road
River Edge, NJ 07661

R & S Foods Inc ✓
249 North Craig St.
Pittsburgh, Pa 15213

John Aquino & Gregory Mellick ✓
9 Hawthorne Place Apt. 2 N
Boston, Ma 02114

STP/ JMK Properties, Inc. ✓
298 Forge Hill Road
New Windsor, NY 12553

Vails Gate Elementary School ✓
98 Grand Street
Newburgh, NY 12550

NW Partners LLC ✓
30 Corporate Circle
Albany, NY 12203

Carmine Andriuolo ✓
363 Windsor Highway
New Windsor, NY 12553

Consolidated Rail Corp ✓
6 Penn Center Plaza ✓
Philadelphia, Pa 19103

The Vails Gate Fire Company ✓
PO Box 101
Vails Gate, NY 12584

County of Orange ✓
255-275 Main Street
Goshen, NY 10924

Frederick, Madison Samuel ✓
& Audrey Kass
367 Windsor Highway
New Windsor, NY 12553

Sorbello, Bouyea, King ✓
C/o Robert K. Bouyea
505 North Riverside Road
Highland, NY 12528

Vittorio & Lucy Vitolo ✓
5 Vista View Terrace
Middletown, NY 10940

New Windsor Dental Management Corp. ✓
375 Windsor Highway Suite 300
New Windsor, NY 12553

Arthur & Julie Stockdale ✓
58 Kristie Lane
Jericho, VT 05465

Orfeo Cicchetti ✓
33 Sherwood Drive
Mastic Beach, NY 11951

Blix Corporation ✓
PO Box 1002
Highland Mills, NY 10930

Richard & Diane Storey ✓
5 Mark Street
New Windsor, NY 12553

Reziero Vitolo ✓
137 Mill Street
Wallkill, NY 12589

Lizzie Realty LLC ✓
24 Dunning Road
Middletown, NY 10940

Christopher & Christina Mullen ✓
62 Continental Drive
New Windsor, NY 12553

Bank of New York ✓
Property Management
48 Wall Street-24 th Floor
New York, NY 10286
Att. P. Culas

Norstar Bank of Upstate NY ✓
Facilities Management
P.O. Box 911
Newburgh, NY 12550

Richard & Jeannie Crook ✓
64 Continental Drive
New Windsor, NY 12553

Mans Brothers Realty Inc. ✓
P.O. Box 247
Vails Gate, NY 12584

John & Mary Rohan ✓
66 Continental Drive
New Windsor, NY 12553

Sy Realty Corp.
550 Hamilton Avenue
Brooklyn, NY 11232

Eugene & Ruth Andrews
PO Box 292
Vails Gate, NY 12584

Eric Strober & John Yankulis
C/o Temple Hill Property
550 Hamilton Avenue
Brooklyn, NY 11232

Paula Martino
11 Buttonwood Drive
New Windsor, NY 12553

Thomas & Kathleen Manning
2 Creek Run Road
Newburgh, NY 12550

Antonio & Giencinta Dedominicis
PO Box 327
Cornwall, NY 12518

Mani Inaganti
PO Box 787
Vails Gate, NY 12584

Robert & Catherine Babcock
324 Station Road
Rock Tavern, NY 12575

Terry & Lorraine De Couto
PO Box 4206
Vails Gate, NY 12553

Kelly Family Partnership
PO Box 38
Vails Gate, NY 12584

Wayland & Joy Sheafe
1661 Little Britain Road
Rock Tavern, NY 12575

Antonio & Gemma Tornatore
82 Continental Drive
New Windsor, NY 12553

Walter & Lovella Nichols
PO Box 579
Vails Gate, NY 12584

David & Elizabeth Betts
PO Box 465
Vails Gate, NY 12584

Frances Taravella
152 Temple Hill Road
New Windsor, NY 12553

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEWYORK**

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: May 16, 2000

**APPLICANT: Ozzie Beichert, Timely Signs of Kingston, Inc.
154 Clinton Ave.
Kingston, NY 12401**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 11, 2000

FOR : Burger King Signs

LOCATED AT: Big V. Town Centre Rt 32 Vails Gate NY

ZONE: Sec/ Blk/ Lot: 65-2-12

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-18 M(2) Proposed 4 electrically illuminated directional signs not permitted. Only non electric, non illuminated directional or instructional signs permitted.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE:

SIGN: Non Illuminated
Directional signs
FREESTANDING:

4 Electrically Illuminated
Directional signs

4 Electrically Illuminated
Directional signs

HEIGHT:

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

4 New Directional Signs
(EXISTING)
4 DIRECTIONAL SIGNS
FOR ENTER/EXIT/DRIVE THRU

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

RECEIVED

MAY 11 2000

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 428-2000

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises BILA FAMILY PARTNERSHIP / B16 V TOWN CENTRE

Address RT. 32 VAILS GATE, NY Phone 914-651-7973

Mailing Address 158 NORTH MAIN ST. FLORIDA, NY 10921

Name of Architect _____

Address _____ Phone _____

Name of Contractor TIMELY SIGNS OF KINGSTON, INC.

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MAY 11 2000

Address 154 CLINTON AVE KINGSTON, NY 12401 Phone 331-8710

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER

If applicant is a corporation, signature of duly authorized officer.

Ozzie Beuchert, Pres
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of ROUTE 32
and _____ feet from the intersection of _____

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2. Zone or use district in which premises are situated _____ Is property zoned 2000 N _____

3. Tax Map Description: Section 65 Block 2 Lot 12
BUILDING DEPARTMENT

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy BURGER KING b. Intended use and occupancy BURGER KING

5. Nature of work (check if applicable) New Slog ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒ SIGN PERMIT

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

PAID

pd ct# 5064
50.00 receipt # 904

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

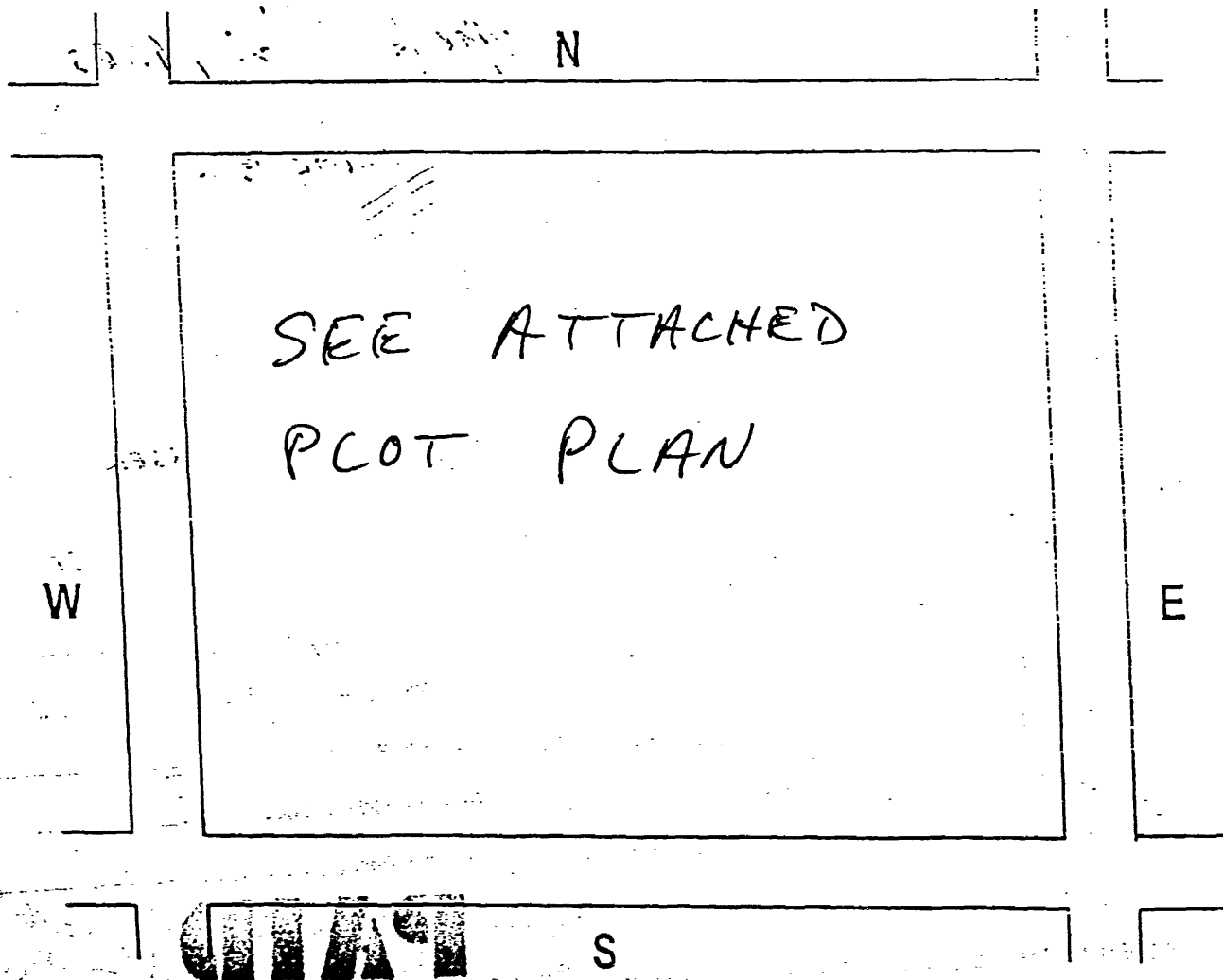
- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Ozzie Beichert, PRES. TIMELY SIGNS 154 CLINTON AVE. KINGSTON, NY
(Signature of Applicant) (Address of Applicant) 12401

SEE ATTACHED OWNER'S SIGNATURE
(Owner's Signature) (Owner's Address)

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



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Hand Directional Signs

COLORS

- Logo: Standard colors; BK Yellow buns, BK Red copy, white background.
- Arrow graphic: BK Yellow.
- Alternate copy: White.
- Background: BK Blue (opaque).

MATERIALS

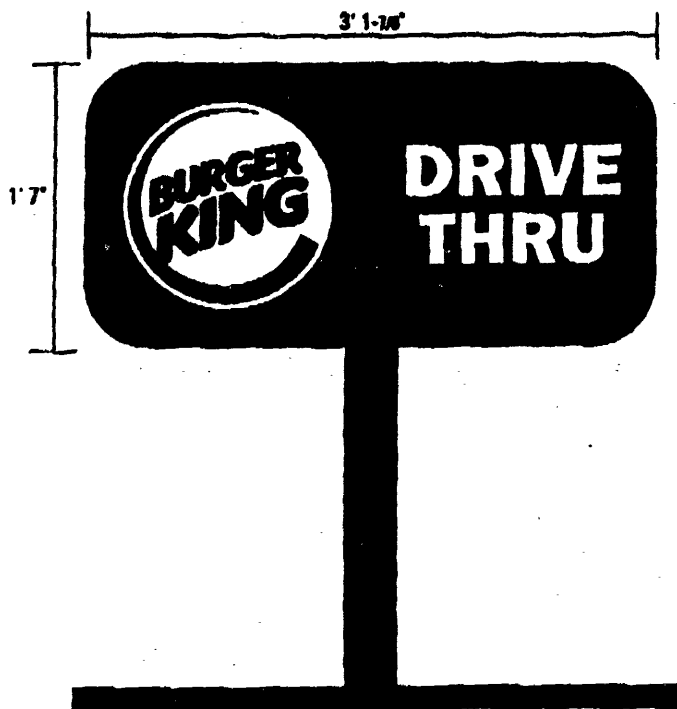
- Faces: Clear polycarbonate, flat. Graphics are translucent vinyl applied second surface. Copy is reverse cut from opaque blue background vinyl, second surface and backed with translucent white vinyl.
- Cabinet: Painted, fabricated aluminum.
- Retainer: Painted extruded aluminum.
- Internally illuminated with high output fluorescent lamps.

DIRECTIONAL SIGNS**FLUORESCENT ILLUMINATED
DOUBLE OR SINGLE FACE****TOTAL BOXED
SQUARE FOOTAGE:**

DS 2/2: 5 sq. ft.

DS 2/1: 5 sq. ft.

DS 2/2
Shown at 3' OAH.

**Face options:**

- The height of the capital letter in copy is 3-1/2".

- Directional arrows always point away from Logo or copy.

